

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK LAYNE STEFFENS,

Defendant.

No. CR15-4042-MWB

**REPORT AND RECOMMENDATION
ON DEFENDANT'S MOTION TO
SUPPRESS**

Defendant Patrick Steffens is charged by indictment (Doc. No. 2) with (1) conspiracy to distribute a controlled substance and (2) distribution of a controlled substance. He has filed a motion (Doc. No. 30) to suppress statements he made during an interview with law enforcement on April 16, 2015. Plaintiff (the Government) has filed a response (Doc. No. 36). The Trial Management Order (Doc. No. 11) assigns motions to suppress to me to conduct any necessary evidentiary hearings and to prepare reports on, and recommend dispositions of, those motions.

This situation is somewhat unique in that the Government states Steffens made no incriminating statements during the interview. Doc. No. 36 at 1-2. Indeed, the Government indicates that the recording of the interview was discarded because nothing of evidentiary value was disclosed. *Id.* at 2. The Government has filed, under seal, the case agent's report concerning the interview. Doc. No. 39. The Government states:

For purposes of defendant's motion, no information continued in the report, or other information pertaining to the meeting not contained in the report, will be offered in the government's case in chief at trial. The government does not believe defendant's 5th Amendment protections were violated in any way. However, since no evidence was obtained in the jailhouse

meeting, there is no reason for the government to mention the meeting and it agrees not to do so unless defendant for some reason puts the matter at issue.

Doc. No. 36 at 2.

Based on the Government's representation that it will not offer evidence of the interview at trial (at least unless Steffens opens the door to such evidence), I **RESPECTFULLY RECOMMEND** that Steffen's motion (Doc. No. 30) to suppress be **denied as moot**.

Objections to this Report and Recommendation in accordance with 28 U.S.C. §636(b)(1) and Fed. R. Crim. P. 59(b) must be filed within fourteen (14) days of the service of a copy of this Report and Recommendation. Objections must specify the parts of the Report and Recommendation to which objections are made, as well as the parts of the record forming the basis for the objections. *See* Fed. R. Crim. P. 59. Failure to object to the Report and Recommendation waives the right to de novo review by the district court of any portion of the Report and Recommendation as well as the right to appeal from the findings of fact contained therein. *United States v. Wise*, 588 F.3d 531, 537 n.5 (8th Cir. 2009).

IT IS SO ORDERED.

DATED this 6th day of October, 2015.



LEONARD T. STRAND
UNITED STATES MAGISTRATE JUDGE